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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,648	03/29/2004	Kohei Momosaki	251247US2SRD	9593
22850 7590 06/21/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NATNAEL, PAULO S M	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 06/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/810,648

Applicant(s)

MOMOSAKI ET AL.

Examiner

Paulos M. Natnael

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-34, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 1, 9 and 35-37 is/are rejected.
- 7) ☒ Claim(s) 2-8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1,35-37** are rejected under 35 U.S.C. 102(e) as being anticipated by Van Thong et al. U.S. Pat. No. 6,505,153.

Considering claims 1,35-37, Van Thong discloses efficient method for producing off-line closed captions. The system as shown in Figs. 1-4B comprises audio classifier 15, speech rate control 19, time even tracker 23, realigner 29 and closed caption segmenter 33. The first module, the audio classifier 15, sorts the input audio 13 into different categories: spoken text, music, etc. Of interest are in the spoken parts of the input audio 13 track because the spoken parts need to be transcribed. Possibly, a particular noise or sound other than spoken language may need to be captioned. However, only the spoken parts 17 as sorted or filtered by the audio classifier 15 are sent to the next module 19. The next module, the speech rate-control module 19, controls the rate of speech depending on how fast the text is spoken and/or how fast the operator 53 types.

[emphasis added] This module ensures that the spoken text remains understandable by maintaining a constant pitch. The audio produced 21 is time-stamped since a time dependent transformation has been applied to the audio samples. The time stamps allows the next module 23 to use the proper time scale. The speech-rate control module 19 preferably uses speech recognition techniques at the phoneme level.

[emphasis added] The third module, the time event tracker 23 receives the time-stamped audio 21 and records the time the words were typed in by the operator 53. This provides a rough time alignment of the corresponding text 25 that will be precisely realigned by the next module 29. The recorded time events are mapped back to the original time scale. Thus the time event tracker 23 produces on output roughly aligned transcription text 27. The fourth module 29 receives the roughly aligned text 27 and realigns precisely the text on the audio track 13 using speech recognition techniques at the word level. Realigner 29 thus outputs aligned transcribed text 31. Finally, the closed caption segmenter 33 breaks the aligned transcribed text 31 into captions, similar to a sentence for written text, based on acoustic and other clues. [emphasis added] To that end, closed caption segmenter 33 produces the desired closed captions 35. See, col. 3, lines 17-52.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. U.S. Pat. No. 6,505,153.

Regarding claim 9, Van Thong et al. does not specifically disclose changing the display state to a display size larger than a normal size. However, the examiner takes official notice in that it is notoriously well known in the art of television and/or computer to change a display screen to a larger or smaller size as needed, toggling back and forth to a OSC and main screen, for example, or change the size of the display within a PIP window itself. Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Kahn accordingly.

Response to Arguments

5. Applicant's arguments with respect to claims 1,35, have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 12-34,38, 39 are allowed.

7. Claims 2-8,10,11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

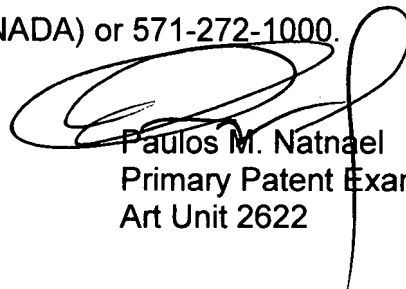
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paulos M. Natnael
Primary Patent Examiner
Art Unit 2622

June 11, 2007